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Kenneth Parr
U.S. Bureau of Reclamation
Rapid City Filed Office
515 9th Street, Room 101
Rapid City, SD 57701

Dear Mr. Parr

Comments on the Angostura Unit Draft Environmental Impact Statement

ALTERNATIVES

NO ACTION

1 [We question which is the No Action Alternative.]

The federal government must take an action to continue the dam; it needs to sign a new contract, making minor modifications to assure it conforms with Reclamation law. It must take an action to return to natural flows; the agency needs to completely open the radial gates at the dam.

Which of these is truly the "no action" alternative? Could it be that opening the radial gates and letting the river lose is really the "no action" alternative?

PREFERRED ALTERNATIVE

2 [The agency is required to specify a preferred alternative, which it didn't do.]

INADEQUATE RANGE OF ALTERNATIVES

COMPROMISE ALTERNATIVE

Impacts of the Improved Efficiencies Alternative

3 [The range of costs/water saved via improved efficiencies is too broad. The alternative is too vague.]

"This alternative would save an estimated 1,870-3,200 AF of water by improving the delivery system efficiency, another 4,320-6,160 AF by increasing on-farm efficiencies." ... "Total estimated cost to save 6,000-9,000 AF of water would range from $3,250,000-$4,660,000." (DEIS page 22)

4 The average CIR (crop irrigation requirement) is 41,800 AF. The savings range is 14.8% -22.3% of water currently used. [However the DEIS does not tell us what the saved water will be used for.]The alternative needs to provide a much more narrow range for improvement costs that will be required and how much water would be saved and tell us what would be done with the water.

5 The DEIS avoids adequate discussion of the effect of the water regulation on river habitats and species by avoiding considering the past creation and operation of the dam as a cumulative effect. [The DEIS therefor fails to provide a real understanding of the impacts of the dam/water regulation and the potential mitigation options. The DEIS gives us no idea if returning the potential 14.8 or 22.3% savings of water into the river could help improve habitat for at risk species such as - providing more sand bars or scoured beaches for the interior least tern.]

6 We have no idea if the "compromise alternative" - this improved efficiencies alternative - provides enough saved water to make a difference to river species and habitat. If it doesn't then[do we need to review another "compromise alternative" which releases more water flow to the river via other means, such as just plain reducing the amount given to the irrigation district, whether they have compensated with increased efficiencies or not]

CUMULATIVE EFFECTS

7 [The building of the dam and the past regulation of the water need to be considered as cumulative effect within the analysis.] Therefore the repeated disclaimer throughout the document that various action alternatives will have no impact on various resources are not correct. Continuing to operate the dam, continues and magnifies the cumulative effects begun in 1946-49 during the construction and first operation of the dam.

For example on page 147 it says about the "Impacts of the No Action Alternative" on the sturgeon chub:

"This alternative would not change flows in the river or the status of the dam. Available habitat for the chub would thus remain the same, so this alternative would not adversely impact the sturgeon chub." (DEIS page 147)

We maintain that this should read something like this:

"Building of the dam and regulation of the water in the 1940s reduced sturgeon chub habitat. Signing a new contract would continue to regulate flows in the river and perpetuate the adverse habitat conditions that have driven the sturgeon chub from the portions of the river below the dam. This alternative would continue to prevent repopulation of former habitat by up river migration of the chub. Adverse impacts to this species would continue

1. Page 18 of the EIS describes the No Action Alternative in detail.

2. CEQ regulations require a Preferred Alternative only if the agency has one (§1502.14(e)). Reclamation didn't have a Preferred Alternative in the draft EIS at the request of the OST.

3. Exact costs of improvements and the water saved in this alternative would be unknown until specific plans were made for each reach of the canal and each farm.

4. The 6,000-9,000 AF/yr of water saved in this alternative could be used to improve fisheries and recreation if retained in the reservoir, fisheries and riparian habitat if released to the river, or could be used to increase irrigation if released to the District. Thus, saved water could have significant beneficial impacts. Reclamation would set up a public process to determine how best to use the saved water, as stated on p. 22 of the EIS.

5. Reclamation's purpose in this EIS is to analyze impacts of renewing a long-term (25-year) water service contract with the Angostura Irrigation District as required by the 1939 Reclamation Project Act (p. 2 of the EIS). Cumulative impacts in the final EIS will be revised in light of comments on the draft EIS and discussions with EPA. Pages 143-145 and pp. 145-152 of the EIS discuss impacts of saved water on bird species in general and on the threatened piping plover and endangered interior least tern in particular.

6. Reclamation believes the range of alternatives in the EIS is adequate. The alternative selected as the Preferred Alternative in the final EIS balances needs of the District with recreation at the reservoir and fish and wildlife downstream of the dam.

7. See the response to your comment No. 5 for Reclamation's purpose in the EIS. While CEQ recommends that the No Action Alternative be defined as "no change from current management" (p. 18 of the EIS), the Reestablishment of Natural Flows Below the Dam Alternative would approximate river conditions before Angostura Dam was built. Reclamation also used pre-dam conditions to establish a baseline for the "Sediment," "Stream Corridor," "Fisheries," and "Wildlife" sections of the EIS.

to occur.

Or the discussion of impacts for the Interior Least Tern could read:

8 [*Signing of a new contract would continue to regulate flows in the river to perpetuate the adverse flow conditions that prevent the river from reestablishing the sand bar and beach habitats needed by the terns. This alternative would continue to bar creation of replacement habitat needed by terns and adverse impacts to this species would continue to occur.]

The Chart at 4.18 "Impacts on State Endangered, Threatened, or Rare Plants and Animals (not on Federal List)", becomes totally inadequate as some species here will be impacted by cumulative impacts of continued water regulation, but are dismissed with a "none" under impacts column.

These mistakes pervade sections of the document especially those relating to river habitats and at risk species. This failure to view the continued operation of the dam as a cumulative effect is a major fault.

Cumulative effects with other projects also needs to be discussed:

9 [Cumulative effects to the sicklefin chub, sturgeon chub, piping plover and interior least tern from the operation of the dams on the Missouri River need to be discussed.]

10 On page 151 cumulative impacts to the sturgeon chub are reviewed. This discussion of potential impacts to chub maybe inadequate. [Other recent/proposed developments may impact drainages which support the sturgeon chub: DM&E railroad in the Cheyenne drainage, coal bed methane development in the Powder River drainage and Rosebud hog farm development in the White River drainage.]

BIOLOGICAL ASSESSMENTS

The Agency has not provided us with specific data on the distribution of at risk species along the river. The Biological Assessment does not provide adequate documentation for its conclusions that no adverse impacts would occur to T & E or other at risk species.

STURGEON CHUB

There are many factors besides turbidity that determine habitat for sturgeon chub. These can include water temperature, flow regimes, stream morphology, water level, substrate content , introduction of exotics, water
11 quality etc. [The DEIS needs to expand its discussion of sturgeon chub habitat requirements and how the dam and irrigation run off effects these other requirements.]

On page 151 the DEIS indicates that improvement of reservoir fishery would not impact the sturgeon chub. Increased introduction of more exotic game

fish can impact native fish and fish in the reservoir can move into the river from the reservoir .

BALD EAGLE

Water regulation limits the establishment of young cottonwood stands. When the old stands die in the future and haven't been replaced, some cottonwood
12 habitat will be lost. At some point in the future this will limit the eagles. [The DEIS doesn't consider this an adverse impact as the impact will not occur until after 25 years. We don't buy that argument]

PIPING PLOVERS

13 [Piping plovers may chose to nest in reservoirs and thus their nest sites may be adversely affected by fluctuating water heights. There is a record of one nest at the reservoir in the DEIS. Please improve the discussion of impact of fluctuation of water heights in the reservoir on the plovers.]

IMPACTS ON STATE T & E SPECIES OR RARE PLANTS AND ANIMALS (chart 4.18)

14 [Why isn't the Lewis Woodpecker on this list?]

NATIVE AMERICAN RIGHTS

15 [The DEIS should make an attempt to estimate the acre feet owed to the Tribes under Winter Doctrines Rights.] You say on page 11 "The Tribes – or the Federal government acting on behalf of the Tribes-- eventually quantifying their reserved water rights and putting the water to beneficial use might affect the volume of water available in the Cheyenne River for the alternatives". It should comment on what would happen to flows in the River if the Tribe exercised those rights while the irrigation
16 district continues to extract its current acre feet of water. [Would the Tribe and the irrigations district withdrawing water together substantially reduce flows so as to effect various river habitats and animal/plant species?]

17 [Do Native Americans acknowledge the 1889 ACT as valid?] Do they accept that for Winters Doctrine litigation/adjudication their Reservation boundaries are derived from the 1889 Act? On page 9 you say "This agreement established the current boundaries of the reservations."

The federal government has a trust responsibility to the Tribes. Will Interior's contracts with irrigators for water delivery adequately protect the
18 prior right of the Tribes to Cheyenne River water? [Will the contract protect the viability of the river in stream flows and the river species if the Native Americans adjudicate and exercise their rights during the term of the contract?.]

WATER QUALITY

The DEIS assumes that because pesticides/herbicides are banned, their

8. See p. 74 of the EIS: Habitat replacement does occur in the river. Analyzing impacts of renewing the 25-year water service contract led Reclamation to conclude that no threatened or endangered species would be affected. The U.S. Fish and Wildlife Service concurred with this conclusion.

9. None of the alternatives would affect these species, either directly or indirectly, and therefore wouldn't result in incremental effects. Thus, no further cumulative impacts analysis is needed.

10. Cumulative impacts will be revised in the final EIS. Impacts of the DM&E Railroad, coalbed methane development in the Cheyenne River drainage, and the Rosebud CFO will be included. Coalbed methane development in the Powder River drainage wouldn't affect the Cheyenne River drainage.

11. Reclamation believes the sturgeon chub analysis is adequate. See p. 83 and pp. 146-152 in the EIS.

12. The 25-year long term in this EIS represents the length of time the new water service contract would run (pp. 2-5 and p. 18 of the EIS). At the end of the contract, Reclamation will reexamine the use of water from the Angostura Unit, including the effects on cottonwoods, and, thus, on the bald eagle.

13. See p. 78, p. 146, and pp. 149-152 of the EIS for discussions of fluctuating reservoir water levels on the piping plovers.

14. The Lewis woodpecker has been added to Tables 3.28 and 4.18.

15. Under the government-government relationship with the OST, Reclamation was asked not to discuss quantification of their reserved water rights in the EIS.

16. Analysis of impacts of a simultaneous withdrawal from the reservoir could not occur unless the OST first quantified their reserved water rights.

17. Pages 9-10 of the EIS discuss the Tribes' relationship with the Angostura Unit.

18. A new long-term water service contract would include a provision to the effect that quantification of the Tribes' reserved water rights would affect water in the Cheyenne River available to other users (see pp. 97-98 of the EIS).

19 presence in the Cheyenne's water results from historic applications. [Is this a valid conclusion?] Even so, if the residue are present in the soils then ongoing irrigation still liberates them and their presence is still a result of the irrigation.

20 [The reduction of water in the river may increase the likelihood of water quality standard violations for some substances as there may be less water to dilute some pollutants.]

EVAPORATION

21 [Is there a discussion somewhere of water lost to evaporation from the reservoir?]

RECREATION

22 [Can different designs of boat ramps/beaches etc., address the fluctuating water heights?]

DM&E RAILROAD

23 [Perhaps I missed it somewhere, but shouldn't there be more discussion of the potential impacts of the DM&E railroad proposal?] If the DM&E takes away irrigated acreage for railroad construction, what will happen to the liberated water? If the DM&E railroad construction happens what would be the combined impacts on water quality of sedimentation/turbidity from storm water run off during construction or unstable slopes during operation or other pollution such as oil spills from DM&E when combined with the pollution from irrigation field run off?

Sincerely,

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President
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19. Yes, the conclusion is valid. No pesticides used in the District were found above detectable limits in Reclamation's 1997 water quality sampling (p. 51 of the EIS).

20. Noted. Other than seasonal flow reductions in the Reestablishment of Natural Flows Below the Dam Alternative, there would be no reduction of flows from any of the alternatives in the EIS.

21. The average 10 cfs lost annually in the reservoir to evaporation and seepage is included in the water budgets for each alternative in Chapter Four (p. 113, p. 118, p. 121, and p. 126 of the EIS).

22. At least two of the boat ramps at Angostura Reservoir are usable down to water elevation 3170 feet, the lowest elevation suitable for boating (Table 4.20 of the EIS). Recreation questions will be analyzed in the future Resource Management Plan (p. 5).

23. The new water service contract would specify the use of extra water if the DM&E Railroad should restrict the irrigable acres in the District. Cumulative impacts will be revised in the final EIS according to comments received on the draft EIS and discussions with EPA. It should be noted that the issues you raise are also being examined in the *Powder River Basin Expansion Project EIS*.